

TOWN BOARD MEETING  
November 17, 2005 - 7:00 PM

The meeting was called to order by Supervisor Hundt at 7:10 p.m.

Salute to the Flag was conducted.

Emergency Exits were pointed out by the Supervisor.

Roll Call:

Councilman Devine	absent
Councilman Russell	Present
Councilwoman Doyle	Present
Councilman Carroll	Present
Supervisor Hundt	Present

PUBLIC HEARING ON LOCAL LAW #3 - DUPLICATE TAX BILL FEE

Supervisor Hundt explained the need for a local law to allow the Tax Collector to charge a fee of five dollars (\$5.00) for the production of a duplicate tax bill. The fee will be charged to financial institutions only and not to individual tax payers. After Supervisor Hundt read Local Law #3, the public hearing was opened by the following vote:

OPEN PUBLIC HEARING ON LOCAL LAW #3 - DUPLICATE TAX BILL FEE

MOTION: S/Hundt  
SECOND: C/Doyle  
ROLL CALL: C/Carroll - AYE                      C/Devine - absent  
                  C/Doyle - AYE                      C/Russell - AYE  
                  S/Hundt - AYE  
MOTION CARRIED 4 to 0.

Since there were no public comments, the public hearing was closed:

CLOSE PUBLIC HEARING ON LOCAL LAW #3 - DUPLICATE TAX BILL FEE

MOTION: S/Hundt  
SECOND: C/Doyle  
ROLL CALL: C/Carroll - AYE                      C/Devine - absent  
                  C/Doyle - AYE                      C/Russell - AYE  
                  S/Hundt - AYE  
MOTION CARRIED 4 to 0.

Supervisor Hundt then moved for the adoption of Local Law #3:

ADOPT LOCAL LAW #3 - DUPLICATE TAX BILL FEE

MOTION: S/Hundt  
SECOND: C/Doyle  
ROLL CALL: C/Carroll - AYE                      C/Devine - absent  
                  C/Doyle - AYE                      C/Russell - AYE  
                  S/Hundt - AYE  
MOTION CARRIED 4 to 0.

CONTINUATION OF PUBLIC HEARING ON 2006 PRELIMINARY BUDGET

Supervisor Hundt reviewed the situation: changes were made to the Preliminary Budget after the Public Hearing had been announced and after some copies of the Preliminary Budget had been distributed. While these changes were

minor, the procedure was not done properly. To rectify the situation, a resolution containing the details of the budget changes was presented:

RESOLUTION #35 - CHANGES TO 2006 PRELIMINARY BUDGET

MOTION: S/Hundt  
SECOND: C/Russell  
ROLL CALL: C/Carroll - AYE C/Devine - absent  
C/Doyle - AYE C/Russell - AYE  
S/Hundt - AYE  
MOTION CARRIED 4 to 0.

OPEN CONTINUATION OF PUBLIC HEARING ON 2006 PRELIMINARY BUDGET

MOTION: S/Hundt  
SECOND: C/Carroll  
ROLL CALL: C/Carroll - AYE C/Devine - absent  
C/Doyle - AYE C/Russell - AYE  
S/Hundt - AYE  
MOTION CARRIED 4 to 0.

Public Hearing Comments:

Janet Reagon commented on the Old Amenia landfill litigation expenses.

Wayne Euvrard commented on:

- Old Amenia landfill
- monthly activity report and its use in the budget preparation.
- special Recreation fee charges
- zoning fees
- Town Clerk mileage
- central mail and printing
- grant administrator
- dance supplies
- Special Rec facilities
- community development
- medical insurance

Tom Werner mentioned that the Town senior citizen picnic did not occur this year because the county-sponsored picnic was enough. He also questioned whose obligation it was to pay the fees for forming a wastewater district and what service the Town has received from our grant writer.

Pat Nelligan comments:

- veterans' services, possible increase in funding.
- cost of senior citizen lunch at South Amenia nutrition site.
- "Planning & Coastal Zone" category in budget, what is it?
- wastewater expenses - who says Amenia needs a wastewater facility?
- Amenia Water Insurance and "contractual expenses" budget lines.
- If the water district had a \$40,000 deficit in 2005, were taxpayer dollars used to support the water district? Rae D'Achille assured Pat that water district costs are completely covered by the water district members.
- creation of new capital reserve fund for the water district.

- Why does the 2006 budget not contain \$25,000 for future water needs, as previous budgets did? Gary Bonds responded that the money was not included to avoid increasing taxes. Rae D'Achille added that the water user fees were raised 10%.

Michael Collins questioned the amount of Town taxes that go towards the dance program. Councilwoman Doyle replied that \$1,900 has been spent every year for the past 15 years with Dutchess County Youth Bureau putting in \$3,000.

There being no further comment, the Public Hearing was closed at 8:40 pm:

CLOSE PUBLIC HEARING ON 2006 PRELIMINARY BUDGET

MOTION: S/Hundt  
 SECOND: C/Russell  
 ROLL CALL: C/Carroll - AYE                      C/Devine - absent  
                   C/Doyle - AYE                      C/Russell - AYE  
                   S/Hundt - AYE  
 MOTION CARRIED 4 to 0.

ADOPT 2006 BUDGET FOR TOWN OF AMENIA

MOTION: S/Hundt  
 SECOND: C/Russell  
 ROLL CALL: C/Carroll - NO                      C/Devine - absent  
                   C/Doyle - AYE                      C/Russell - AYE  
                   S/Hundt - AYE  
 MOTION CARRIED 3 to 1.

NEW TOWN WEBSITE - PRESENTATION

Lou Cesa (Technology Committee), Ken Pomeisl (Recreation Director), and Fred Shakeshaft (webmaster) gave a detailed presentation of the new town website which met with enthusiastic approval.

MAXON MILLS

Attorney Michael Hayes reported that a tentative court date has been set for November 29 at which time he hoped that formal charges could be handed over. This is a follow-up to the Notice of Violation that was presented earlier.

WASSAIC LIGHTS FUNDING

Councilwoman Doyle read the resolution which provides money from the contingency fund for the purchase of seven historic lights and the installation of up to three of them, plus miscellaneous other electrical improvements needed:

RESOLUTION #36 - WASSAIC LIGHTING PROJECT FUNDING

MOTION: S/Hundt  
 SECOND: C/Carroll  
 ROLL CALL: C/Carroll - AYE                      C/Devine - absent  
                   C/Doyle - AYE                      C/Russell - AYE  
                   S/Hundt - AYE  
 MOTION CARRIED 4 to 0.

Councilman Carroll said that one bid had already been received and that the other bids should be in by Monday. In that case, a special Town Board meeting will be held on Monday November 21 at 6:00 to award the bid. Michael Hayes confirmed that it is OK to call a special meeting on short notice.

#### AMENIA HILLS

Supervisor Hundt reported that the Amenia Hills subdivision wants their 19 homes to join the existing water district. The Town Board felt that a new water tank would be better than a pumping station. Michael Hayes cautioned that firm numbers must be available for cost estimates before a Public Hearing can be held.

#### WATER DISTRICT NEW WELL - SEQRA

Supervisor Hundt opened the discussion by announcing that the Town had received permits for a new well from NYS DEC and Dutchess County Water and Wastewater. The next step is to consider the environmental impact.

Michael Hayes explained that digging a well is a decision that requires funding and, therefore, is subject to SEQRA. Since the DEC started this as an "uncoordinated review", a "lead agency" is not required. In this case, the Town Board is an "involved party" along with the DEC and the County Department of Health, both of whom say there is no significant environmental adverse impact. The next step is to issue a Negative Declaration, which the attorney then read.

As an adjacent landowner, Pat Nelligan was invited to comment:

- Not all agencies have been asked, for example, Harlem Valley Rail Trail, NYS Parks Commission.
- As the two wells will be within 50 feet of each other, this may impact the level of Nelligan's pond. If the pond level goes down, that will affect the wetland rules. The DEC was not aware of this.
- The Town Board already voted 4 to 1 to approve the new well. Shouldn't they start over? The Town Board could issue a qualified positive declaration.
- The new Amenia Hills/Syms subdivision may have to pay for the new well which could be considered an extension to the water district. In reply, Gary Bonds said that the new well has nothing to do with Amenia Hills.
- Well #1 may have to go offline because of septic issues.
- The Town needs a metering system, otherwise people will not conserve water.

Supervisor Hundt explained that the Town Board was following the advice of the town engineer concerning the new well. Also, Dutchess County Water and Wastewater said that Amenia really needs a new well. Councilman Carroll disagreed with the need for a new well noting that the old well had not been fully checked out, although the well was pulled in 2002. Gary Bonds replied that there was no way to recondition the old well which is down to 28 gallons a minute (from 60 gallons a minute). Councilman Carroll suggested we go deeper with the existing well and spend some money on it before we dig a new well.

#### ADOPT SEQRA NEGATIVE DECLARATION FOR NEW TOWN WELL

MOTION: S/Hundt

SECOND: C/Russell

ROLL CALL: C/Carroll - NO                      C/Devine - absent  
                  C/Doyle - AYE                      C/Russell - AYE  
                  S/Hundt - AYE

MOTION CARRIED 3 to 1.

#### ZBA (ZONING BOARD OF APPEALS) VACANCY

Two applications have been received.

#### AFFORDABLE HOUSING

no report this month.

#### CAC - CONSERVATION ADVISORY COMMISSION

Elizabeth Whaley reported:

- CAC members attended a Natural Heritage event where they saw a map with endangered species indicated.
- CAC comments regarding the proposed Silo Ridge development were forwarded to the Planning Board.
- Outdoor education at Wassaic Creek.
- Sharon Audubon Society is doing research projects on migratory birds and other issues. Donations made to the Audubon Society before December 31 will receive matching funds from a grant.
- CAC is working on a wetland inventory which will have a display in the spring.

#### WASTEWATER COMMITTEE

Darlene Reimer reported that the next meeting will be November 28 at 5:00 and that member(s) from Wassaic will be added to the committee. The weekly meetings should end soon, returning to a normal schedule.

#### CPIC - COMPREHENSIVE PLAN IMPLEMENTATION COMMITTEE

The maps will be completed soon and then a public review will be held. The maps reflect a compromise between open space and business with a lot more business zones added.

#### RECREATION COMMISSION

Peter Clair reported:

- On November 3 a group did a walk-around of Beekman Park with a DEC representative, to point out wetlands. There are spots that can be expanded, for example, to build a skating rink. On the left side, parking can be expanded. Also, a one-mile walking trail is under consideration on the outside of the outfield fence, possibly with a post & rail fence.
- Joe Brennan has been running an open night of basketball at the school for the past 20 years. Joe thought it was a town program. Who has the insurance? Is there a rider on the Town policy? The school wants proof of insurance, but not all the participants are Amenia residents. Without insurance, the program is in jeopardy. The Rec Commission may have to ask the Town for an insurance rider. Ken Pomeisl commented that Amenia residents may be a minority of the participants, so why should the town be liable? Janet Reagon suggested that this may fall under the Inter-Municipal Rec program.
- Victoria Perotti commented that the Inter-Municipal Rec program was mostly for skiing and track sports. Millerton is concerned that if Amenia does not get on board, there may not be a skiing program this year. Janet Reagon reminded everyone that Dr. Johns (superintendent of Webutuck Schools) said that Amenia will not be allowed to use school facilities after April 2006 unless we are part of the Inter-Municipal Rec program. Webutuck will no longer negotiate with individual towns. Ken Pomeisl remarked that when the school was built, the Town was promised that they could use the facilities and now the school district seems to be reneging.

#### SUPERVISOR'S REPORT

- The Empire Zone has been removed from Amenia; Shope paid \$15,000.

- Dance recital is scheduled for November 22 at 7:00 at Webutuck High School.

#### TOWN BOARD REPORTS / ANNOUNCEMENTS

Councilman Carroll reported that there is property available to the Town for a salt shed, adjacent to the town highway garage. If the price is right it would be an ideal spot for the salt shed because the ground should be firm. However, there may be a right-of-way problem. Councilwoman Doyle mentioned that the parcel is landlocked and access may be an issue. According to an October 1992 map, the Town owns the right-of-way. The surveyor will check it out on Monday. Councilwoman Doyle requested authorization to solicit appraisals.

#### TOWN CLERK REPORT

Gail Hermosilla presented the Town Clerk Monthly Status Report (attached).

#### MINUTES

##### APPROVE MINUTES OF TOWN BOARD MEETING ON 9/8/05

MOTION: C/Carroll

SECOND: C/Russell

ROLL CALL: C/Carroll - AYE                      C/Devine - absent  
                  C/Doyle - AYE                      C/Russell - AYE  
                  S/Hundt - AYE

MOTION CARRIED 4 to 0.

#### PUBLIC COMMENTS

1. Sharon Kroeger (representing Wassaic Historical Agricultural Crossroads- WHAC: After all the progress noted last week, Sharon expressed surprise that the Town was taking WHAC to court over Maxon Mills. \$50,000 has been invested in Maxon Mills over the last 5 years and a buyer is now available who wants to reuse the building. If the Town ends up taking over ownership of Maxon Mills, the cost of demolition could well be \$400,000 or more.
2. Michael Collins urged the Town Board to call the Board of Elections to demand a fair election.

Supervisor Hundt responded to Michael Collins remarks by noting that voters were not obstructed from voting, specifically they were not obstructed from casting a write-in vote. The supervisor had an item removed from Cablevision channel 22 to protect the Town from the illegal action of electioneering. The item was removed at 7:00 p.m. on election day because that is when the supervisor became aware of it.

#### ADJOURNMENT

The motion to adjourn was approved unanimously.

Respectfully submitted,

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Gail Hermosilla,  
Amenia Town Clerk

Approved by Town Board: Dec. 15, 2005

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Town Clerk Monthly Status Report for October 2005  
November 17, 2005

Regular Monthly Activity:

Dog licenses	6
Marriage licenses	1
Marriage certified copies	0
Birth certificate copies	0
Death certificate copies	12
Zoning books sold	5
Miscellaneous copies	25
Transfer station permits	15
Bulk permits sold	18
Transfer station coupon books	171
Burning permits issued	69
FOILs received	2
Legal notices/public hearing sent	2
Handicap parking permits	5
Bids advertised	0
Documents notarized	3

As a result of this activity, we gave the Supervisor \$ 4,597.50 for the month of October.

Other activity

1. The results of the November 8 election were delivered to the Board of Elections immediately after the polls closed on Tuesday evening.

Burning permits

Burning permits (for six months) are again being issued, now that we have had some rain.

Election Inspectors

We want to thank all the election inspectors for the long day they put in on Election Day. We are very grateful to the women and men who provide this valuable service.

Hunting season

Hunting season starts Saturday November 19. Please stop in at the Town Clerk's office if you didn't get your hunting license yet.

Mobile home park permits

Annual permit renewal letters will be sent out the first week of December to the park owners. This year an inspection is needed before the permit will be issued. The letter will give instructions to call the building department to set up an appointment for the inspection, which is free of charge.

Recreation surveys

The deadline for the Recreation surveys has been extended. Survey forms can be picked up and dropped off at the Town Clerk office.

Mail-a-Map

We have just received the new updated maps. These are handy street maps of Amenia, Millerton and Northeast and can be picked up at town hall.

Marriage officer

As a newly appointed marriage officer, I performed my first marriage on October 29. It was really a wonderful experience and I want to thank the Town Board for making it possible by appointing me as a marriage officer.

Saturday hours

The Town Clerk office will be open this Saturday November 19, the third Saturday of the month. As always, if you cannot make it to the office during normal working hours, call for an appointment at any time.

Thank you.

C:\Town Clerk\status reports, monthly\2005-11-17 Town Clerk Status Report.doc, 11/16/05